


CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:)	Complaint No. 01-111
)	for
CENCO REFINING COMPANY)	Administrative Civil Liability
12345 Lakeland Avenue)	
Santa Fe Springs, CA 90670)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose civil liability under Section 13268 of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within sixty days of the date of issuance of this Complaint, unless you waive your right to a hearing (waiver procedures are specified on page 4 of the Complaint). If the hearing in this matter is not waived, it will be held during the Board's regular meeting on December 7, 2001 at the City of Loma Linda, 25541 Barton Road, Loma Linda. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days before the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. On March 24, 1999, in accordance with AB 2061, the California Environmental Protection Agency's Site Designation Committee named the Board as the Administering Agency for the CENCO Refining Company (CENCO) Huntington Beach Marine Terminal project. As such, the Board is responsible for ensuring CENCO's compliance with all State and local agency requirements regarding site investigation and remedial action associated with the demolition and closing of the Marine Terminal.
5. On June 28, 2000, CENCO submitted a Remedial Investigation/Feasibility Study (RI/FS) Workplan for the Marine Terminal. In a letter dated October 23, 2000, the Board provided comments on the workplan, and required CENCO to submit a technical report of soil and groundwater sampling activities at the Marine Terminal by January 31, 2001.
6. On February 22, 2001, the January 31, 2001 deadline for the submission of the technical report was extended to September 28, 2001. This extension was agreed to during a December 28, 2000 meeting with CENCO, their technical consultants, Board staff, and staff from the City of Huntington Beach Fire Department (City staff).

7. In March 2001, CENCO began demolition work at the Marine Terminal site. On May 29, 2001, City staff notified Board staff that CENCO had ceased all work at the Marine Terminal site on March 27, 2001, but had not completed the project.
8. On June 20, 2001, the Executive Officer of the Board sent a letter to CENCO, reminding them of the September 28, 2001 deadline for submitting the technical report, and the possible penalties that CENCO might incur for failing to submit the technical report on time. CENCO met with Board staff on July 24, 2001, and requested a 60-day extension of the deadline. In consideration of the eight-month extension previously given for the project, Board staff denied CENCO's request for a 60-day extension.
9. CENCO resumed work at the Marine Terminal in late July 2001. Board staff visited the site eight times during the period from July 1 through October 26, 2001, to observe the progress of the project.
10. On September 27, 2001, CENCO submitted (via FAX) a written request for a 60-day extension of the project deadline for submittal of the technical report, from September 28 to November 27, 2001. CENCO's request also stated that CENCO would meet with staff from the City of Huntington Beach within seven days, to enlist City staff's support of the extension request.
11. To date, CENCO has not submitted the required technical report .
12. On October 16, 2001, Board staff contacted City staff, and was informed that CENCO had not contacted City staff regarding the Marine Terminal project. City staff sent a letter dated October 12, 2001, informing Board staff that CENCO's 60-day extension request was not warranted, and should be denied.
13. Pursuant to Section 13268 (a) of the California Water Code, a person who fails to furnish a technical report as required by subdivision (b) of Section 13267, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).
14. Pursuant to Section 13268 (b) of the California Water Code, the Regional Board may impose civil liability administratively in an amount that is not more than one thousand dollars (\$1,000) per day for each day in which the violation occurs.
15. The maximum amount of liability which the Board could assess administratively under Section 13268 (b) for non-submittal of the technical report on September 28, 2001 is \$40,000 (\$1,000 for each day beginning with September 29, and ending on November 7).
16. After consideration of the factors specified in Section 13268 (b), the Executive Officer proposes that administrative civil liability be imposed on CENCO by the Board in the amount of \$30,000. The Executive Officer further proposes that \$20,000 of this assessment be suspended, on the conditions that:

- a. CENCO pays \$10,000 to the State Water Resources Control Board (SWRCB) Cleanup and Abatement Account, and
 - b. By November 30, 2001, CENCO submits a technical report that includes all soil and groundwater assessment activities that were required to be conducted at the site, pursuant to the Executive Officer's letter of October 23, 2000, and recommendations for remediation of contaminated soil and groundwater.
17. If  conditions stated above are not met, then CENCO shall additionally submit a check for the suspended portion of the civil liability, that is, \$20,000, made out to the SWRCB Cleanup and Abatement Account, within 30 days following notification by the Executive Officer that the terms of the suspension have not been met.

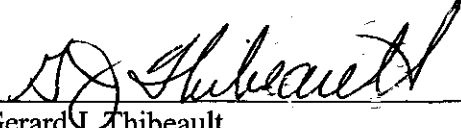
WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and return it, together with a check made payable to the SWRCB Cleanup and Abatement Account for the amount of civil liability proposed under Paragraph 15, above, to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

If you have any questions, please contact Ann Sturdivant, Chief, SLIC/DoD/AGT Section at (909) 782-4904, or Robert Holub, Supervising Engineer, at (909) 782-3298. For legal questions, contact the Regional Board's staff counsel, Jorge Leon, at (916) 341-5180.

11-7-01
Date



Gerard J. Thibeault
Executive Officer

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)	for
CENCO REFINING COMPANY)	Administrative Civil Liability
12345 Lakeland Avenue)	
Santa Fe Springs, CA 90670)	
_____)	

WAIVER OF HEARING

I agree to waive CENCO Refining Company's right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-111.

I have enclosed a check or money order, made payable to the State Water Resources Control Board, in the amount of \$10,000. I understand that I am giving up CENCO Refining Company's right to be heard and to argue against allegations made by the Executive Officer in this Complaint, and against the imposition of, and the amount of, the liability proposed.

	for CENCO Refining Company
Date	